

INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS
RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK
COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:

SAJ-RD-SWF

FILE NUMBER:

SAJ-200312900

REGULATORY PROJECT MANAGER:

Cynthia Ovdenk

Date: May 09, 2004

PROJECT REVIEW/DETERMINATION COMPLETED:

In the office (Y/N)

Date: April 23, 2004

At the project site _Y_ (Y/N) Date: March 18, 2004

PROJECT LOCATION INFORMATION:

State:

Florida

County:

Lee

Center coordinates of site by latitude & longitudinal coordinates:

n26 20 47.3, w81 45 0.5

Approximate size of site/property (including uplands & in acres):

12.29 acres

Name of waterway or watershed:

Leitner Creek Watershed

SITE CONDITIONS:

Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands			X						
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹ :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?	X				
Is or would be used as habitat by other migratory birds that cross state lines?					X
Is or would be used as habitat for endangered species?		X			
Is used to irrigate crops sold in interstate commerce?		X			

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION:

Preliminary __ Or Approved X

ADDITIONAL INFORMATION SUPPORTING NJD

The total size of the parcel is 12.29 acres. The habitats contained within this parcel are 3.78 acres of disturbed, hydric pine, 0.17 acres previously cleared area, 0.46 acres of dirt road and 7.88 acres disturbed pine flatwoods. The 3.78 acres of wetlands are contained on the project site. The project proposes to impact 1.61 acres of wetlands and preserve the remaining 2.17 acres of wetlands through a conservation easement.

The north boundary of the project site has a man-made ditch running parallel which will not be impacted directly, nor indirectly and does not have adjacent wetlands. The east boundary has a dirt road running parallel with a higher elevation and no culverts, swales or ditches. Federal Highway I-75 runs parallel with the west boundary and has a high slope with a negligible swale that possibly causes water to flow on the property, but because of elevations can not flow off the property. The wetlands were determined to be isolated, intrastate and non-navigable, with no link to interstate commerce.

There are no waters of the U.S on this project site.